



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 6602-99
11 April 2000



Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that you were discharged with entitlement to disability severance pay. Your discharge represents a complete severance from the Navy, and you are not entitled to any additional payments for your disability. You did not qualify for disability retirement and monthly pension payments because your condition was not rated at 30% or higher, which is the minimum rating needed to qualify for disability retirement and monthly payments.

In the absence of evidence which demonstrates that your disability should have been rated at 30% or higher, the Board was unable to recommend any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not address the issue regarding the Montgomery GI Bill, as that is a matter within the purview of the Department of Veterans Affairs. It noted, however, that if you made the necessary contributions, you should be eligible for benefits under that program notwithstanding the basis for your discharge.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director